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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,269	07/26/2006	Heike Becker	294001US0PCT	8383
22850 7590 11/12/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER NGUYEN, THUY-AI N				
ART UNIT 1796		PAPER NUMBER		
NOTIFICATION DATE 11/12/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/587,269

Applicant(s)

BECKER ET AL.

Examiner

THUY-AI N. NGUYEN

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2009 has been entered.

Claims 5, 9- 10 are cancelled. Claims 1- 4, 6- 8 and 11- 14 are pending.

Claim Objections

Claims 11, 13 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 11 and 13 fail to further limit the structure of the composition of claim 1. For the purpose of examination, the Office still interprets the claims as a process for treating the hard surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 4 and 6- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530) as evidenced by Scherr et al. (US. 5,641,855).

Regarding claim 1, Meixner et al. teach a composition comprising:

a) a water- dispersible compound A crosslinking with other compounds or the mixture (abstract) including monoethylene unsaturated carboxylic acid (i.e. acrylic acid and methacrylic acid) and halogenhydrin (epichlorohydrin, col. 8: 1- 67), wherein the reaction of the compound A (component "a" having the NH or amine group) and unsaturated carboxylic acid (acrylic acid) is a Micheal reaction (col. 9: 40- 60) and the reaction is carried out at a temperature of from 20 to 160 degree of Celsius (col. 10: 65- 68). Meixner et al. do not teach the crosslinkers comprise only epihalohydrin and unsaturated carboxylic acid. It would be obvious that one of ordinary skill in the art will have a compound A (component a) reacting with epihalohydrin and unsaturated carboxylic acid as in evidence of Scherr et al.. Because the composition is a product by process, it is examined by structure. Because the composition comprises a water-dispersible compound A having all the same crosslinkers as said, it implicitly that A inherently react in the same way as said by the applicant,

b) surfactants (col. 15- 16),

c, d, e, f, g) propylene glycol (col. 19: 38), alkanolamine (ethanolamine, see the table, col. 27, formulation XII), builder (col. 12: 20- 67), other additives including

enzyme, bleach (col. 17- 18), and water wherein the total amount of all components is 100 percent by weight (see table 4, col. 25- 26).

Because the composition comprises the same components as said in the claim, it implicitly has the same characteristic or capable of performing the same function as said by the applicant.

Regarding claim 2, Meixner et al. teach the composition comprising polyalkylenepolyamine (col. 4: 24- 44).

Regarding claim 3, Meixner et al. teach the composition, wherein the crosslinkers include epihalohydrin (epichlorohydrin) and bisglycyl ether (col. 8: 5- 45).

Regarding claim 6, Meixner et al. teach the composition, wherein the surfactants includes anionic surfactant fatty alcohol sulfates (col. 15: 27- 67) and nonionic surfactant fatty alcohol alkoxylates (col. 16: 1- 21).

Regarding claim 7, Meixner et al. teach the composition comprising propylene glycol (col. 9: 30- 35).

Regarding claim 8, Meixner et al. teach the composition comprising ethanolamine and citric acid (see table, formulation XII, col. 27).

Claims 11 and 13- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530) in view of Sherry et al. (US. 2003/0216272).

Regarding claims 11 and 13- 14, Meixner et al. teach the process for treating a surface (textile) comprising a step of applying the composition onto the surface (when washing the textile, col. 22: 35- 53), wherein the composition is a detergent or cleaner

(col. 2: 8- 11). Meixner et al. do not teach the process for treating a hard surface.

Sherry et al. teach a cleaning wipe and a method of cleaning a hard surfaces including floor and glass (pp. 12- 13), wherein the composition comprises modified water soluble polyamide [0008- 0011]. Meixner et al. and Sherry et al. are analogous art because they are in the same field of endeavor; namely, cleaning composition comprising similar water soluble component (grafted or crosslink polyamine). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teaching of Sherry et al. for using the composition of Meixner et al. in cleaning hard surface in order to bring out variety benefits of the composition. Because the process for treatment of a hard surface is performed in the same procedure with the same components, it should have the same effects as said in the claim.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner et al. (US. 6,777,530) in view of Sherry et al. (US. 2003/0216272) as evidenced by Scherr et al. (US. 5,641,855).

Regarding claim 12, Meixner et al. teach the process for treating a surface (textile) comprising a step of applying the composition onto the surface (when washing the textile, col. 22: 35- 53), wherein the composition which is a detergent or cleaner (col. 2: 8- 11) comprises water dispersable compound A. Meixner et al. teach the process wherein a water- dispersible compound A crosslinks with other compounds or the mixture (abstract) including monoethylene unsaturated carboxylic acid (i.e. acrylic acid and methacrylic acid) and halogenhydrin (epichlorohydrin, col. 8: 1- 67). The reaction of

the compound A (component "a" having the NH or amine group) and unsaturated carboxylic acid (acrylic acid) is a Micheal reaction (col. 9: 40- 60). Meixner et al. do not teach the crosslinkers comprise only epihalohydrin and unsaturated carboxylic acid. At the time of the invention, it would be obvious that one of ordinary skill in the art will have a compound A (component a) reacting with epihalohydrin and unsaturated carboxylic acid as in evidence of Scherr et al.. Because the water disperable compound is a product by process, it is examined by structure rather than steps of process (MPEP. 2113 [R-1]). Tthe composition comprises a water- dispersible compound A having all the same crosslinkers as said, it implicitly that A inherently react in the same way as said by the applicant.

Meixner et al. do not teach the process for treating a hard surface. Sherry et al. teach a cleaning wipe and a method of cleaning a hard surfaces including floor and glass (pp. 12- 13), wherein the composition comprises modified water soluble polyamide [0008- 0011]. Meixner et al. and Sherry et al. are analogous art because they are in the same field of endeavor; namely, cleaning composition comprising similar water soluble component (grafted or crosslink polyamine). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the teaching of Sherry et al. for using the composition of Meixner et al. in cleaning hard surface in order to bring out variety benefits of the composition. Because the process for treatment of a hard surface is performed in the same procedure with the same components, it should have the same effects as said in the claim.

Response to Arguments

Applicant's arguments with respect to claims 1- 4, 6- 8 and 11- 14 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

THA